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56. Nothing in any of the following provisions of this Act namely sections 2, 6, 7, 12, 15, 16, 24, 27, clause (c) of section 28, sections 29, 30, 41, 47, 49, 51, 52, 53 and 55 shall be deemed in any way to affect—

Saving clause.

(a) the terms or incidents of any transfer of property made or effected before the first day of January 1939,

(b) the validity, invalidity, effect or consequences of anything already done or suffered before the aforesaid date,

(c) any right, title, obligation or liability already acquired, accrued or incurred before such date, or

(d) any remedy or proceeding in respect of such right, title, obligation or liability; and nothing in any other provision of this Act shall render invalid or in any way affect anything already done before the first day of January 1939 in any proceeding pending in a Court on that date; and any such remedy and any such proceeding as is herein referred to may be enforced, instituted or continued, as the case may be, as if this Act had not been passed.

MIRZA M. ISMAIL,

Dewan.

ACT No. XVII OF 1938.

*(Received the assent of His Highness the Maharaja
on the thirteenth day of July 1938.)*

**THE TRANSFER OF PROPERTY (AMENDMENT)
SUPPLEMENTARY ACT.**

**An Act to supplement the Transfer of Property (Amendment)
Act.**

Whereas by reason of the passing of the Transfer of Property (Amendment) Act, it is expedient that certain amendments should be made in certain other enactments; It is hereby enacted as follows:—

1. (1) This Act may be called the Transfer of Property (Amendment) Supplementary Act, 1938.

Short title and
commence-
ment.

(2) It shall come into force on the 1st day of January 1939.

Insertion of
new section
27-A, in Speci-
fic Relief Act.

2. After section 27 of the Specific Relief Act, 1877, as in force in Mysore, the following section shall be inserted, namely:—

Specific per-
formance in
case of part
performance
of contract to
lease.

“27-A. Subject to the provisions of this Chapter, where a contract to lease immovable property is made in writing signed by the parties thereto or on their behalf, either party may, notwithstanding that the contract, though required to be registered, has not been registered, sue the other for specific performance of the contract if,—

(a) where specific performance is claimed by the lessor, he has delivered possession of the property to the lessee in part performance of the contract; and

(b) where specific performance is claimed by the lessee, he has in part performance of the contract, taken possession of the property, or being already in possession, continues in possession in part performance of the contract, and has done some act in furtherance of the contract:

Provided that nothing in this section shall affect the rights of a transferee for consideration who has no notice of the contract or of the part performance thereof.

This section applies to contracts to lease executed after the first day of January 1939.”

Amendment
of Registra-
tion Act.

3. (1) In section 17 of the Mysore Registration Act, 1903,—

(a) after clause (d) the following clause shall be added, namely:—

“(dd) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property”; and

(b) in clause (j) for the words “and awards” the words “except decrees or orders expressed to be made on a compromise and comprising immovable property other than that which is the subject matter of the suit or proceeding” shall be substituted.

(2) In section 48 of the same Act after the words “or followed by delivery of possession” the following words shall be added, namely:—

“and the same constitutes a valid transfer under any law for the time being in force;

Provided that a mortgage by deposit of title deeds as defined in section 58 of the Transfer of Property Act shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property."

(3) In section 49 of the same Act—

(a) after the word and figures "section 17" the words "or by any provision of the Transfer of Property Act" shall be inserted; and

(b) to that section the following proviso shall be added, namely:—

"Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, as in force in Mysore, or as evidence of part performance of a contract for the purposes of section 53-A of the Transfer of Property Act or as evidence of any collateral transaction not required to be effected by registered instrument."

4. (1) In section 102 of the Indian Succession Act, 1865, as in force in Mysore,

Amendment
of Indian
Succession
Act.

(a) for the words "wholly void" the words "void in regard to those persons only and not in regard to the whole class" shall be substituted;

(b) in *Illustration (a)* for the words "and, as it is given to all his children as a class, it is not good as to any division of that class, but is wholly void" the following words shall be substituted, namely:—

"and in regard to those who do not attain the age of 25 within 18 years after A's death, but is operative in regard to the other children of A"; and

(c) in *Illustration (b)*, for the words "The mention of B, C and D by name does not prevent the bequest from being regarded as a bequest to a class, and the bequest is wholly void" the following words shall be substituted, namely:—

"Although the mention of B, C and D does not prevent the bequest from being regarded as a bequest to a class, it is not wholly void. It is operative as regards any of the children B, C or D, who attains the age of 25 within 18 years after A's death"

(2) for section 103 of the same Act, the following section shall be substituted, namely :—

Bequest to
take effect on
failure of prior
bequest.

“ 103. Where by reason of any of the rules contained in sections 100 and 101 any bequest in favour of a person or of a class of persons is void in regard to such person or the whole of such class, any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest is also void.”

(3) For section 104 of the same Act and the *Illustration* thereto, the following section shall be substituted, namely :—

Effect of
direction for
accumulation.

“ 104. (1) Where the terms of a will direct that the income arising from any property shall be accumulated either wholly or in part during any period longer than a period of eighteen years from the death of the testator, such direction shall, save as hereinafter provided, be void to the extent to which the period during which the accumulation is directed exceeds the aforesaid period, and at the end of such period of eighteen years the property and the income thereof shall be disposed of as if the period during which the accumulation has been directed to be made had elapsed.

(2) This section shall not affect any direction for accumulation for the purpose of—

- (i) the payment of the debts of the testator or any other person taking any interest under the will, or
 - (ii) the provision of portions for children or remoter issue of the testator or of any other person taking any interest under the will, or
 - (iii) the preservation or maintenance of any property bequeathed ;
- and such direction may be made accordingly.”

Savings.

5. Nothing in this Act shall be deemed to affect—

(a) the terms or incidents of any transfer or disposition of property made or effected before the first day of January 1939 ;

(b) the validity, invalidity, effect or consequences of anything already done or suffered before the aforesaid date ;

(c) any right, title, obligation or liability already acquired, accrued or incurred before such date ;

(d) any remedy or proceeding in respect of such right, title, obligation or liability ; or

(e) anything done in the course of any proceeding pending in any Court on the aforesaid date ; and any such remedy or proceeding may be enforced, instituted or continued, as the case may be, as if this Act had not been passed.

MIRZA M. ISMAIL,

Dewan.

No. T. 335—R. T. 10-37-51, dated Bangalore,
26th July 1938.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 45 (i) and (ii) of the rules regarding public service motor vehicles, issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, the draft amendment in the said behalf having already been published with Notification No. T. 4141—R. T. 10-37-46, dated 20th June 1938 at page 126, para IV of the *Mysore Gazette*, dated 23rd June 1938 :—

AMENDMENT.

The following shall be substituted for Rule 45 (i) and (ii) of the rules regarding public service motor vehicles :—

45. (i) The proprietor of motor buses should obtain a duly numbered driver's badge from the District Superintendent of Police in respect of each vehicle maintained by him. The proprietor shall supply such badge to the driver of the vehicle in respect of which the badge is issued. The driver shall wear the badge in a conspicuous place on his left breast.

(ii) The fee payable for a badge shall be one rupee. If a badge is lost, a new one shall be obtained on payment of a similar fee.